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C O N F I D E N T I A L SECTION 01 OF 03 ZAGREB 000572

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TAGS: [PREL](#) [PGOV](#) [HR](#) [SI](#) [ICTY](#) [ICJ](#)  
SUBJECT: AMBASSADOR DISCUSSES SLOVENIA, BOSNIA, KOSOVO,  
SERBIA AND ICTY IN INITIAL CALL WITH FM JANDROKOVIC

REF: A. ZAGREB 559  
[1](#)B. LJUBLJANA 286

Classified By: Rick Holtzapple, PolEcon Counselor, for reasons 1.4 (b)  
& (d).

SUMMARY  
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[1](#)1. (C) The Ambassador paid his initial call on FM Gordan Jandrokovic late in the afternoon on September 14. Most of the hour-long meeting was spent discussing the recent agreement with Slovenia to get EU accession talks going again and to reach an agreement on an arbitration process for the disputed border. Jandrokovic said the two sides were communicating much better than in the past, and that it was vital to stress the "win-win" nature of the agreement. He confirmed Croatia's readiness to use the latest, June 15 draft of an Arbitration Agreement as the starting point for new talks, and welcomed the idea that negotiations on both accession and arbitration should re-start at the beginning of October. The Ambassador responded that the U.S. believed an Arbitration Agreement was achievable, but that Croatia would need to be prepared to accept reference to the possibility of Slovenian contact or junction with international waters, as long as that was not a foreordained outcome. Jandrokovic also commented on relations with Serbia, Bosnia and the ICTY.  
END SUMMARY.

SLOVENIA  
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[1](#)2. (C) Jandrokovic opened the meeting by noting his appreciation of U.S. support for Croatia's NATO and EU membership. The GoC sees NATO and EU membership for all the countries of SE Europe as the only sustainable way to resolve regional issues and bring stability to SE Europe.

[1](#)3. (C) For this reason, Jandrokovic welcomed USG praise for the September 11 agreement between PM Kosor and Slovene PM Pahor on unblocking Croatia's EU accession talks (REFS A and B). The talks had not been easy, but the result was "excellent" and truly a "win-win" outcome. The atmosphere between the two governments was much better now. The Croatians had a better understanding of how difficult this issue is for Pahor, and there was increasing trust on both sides. Croatia was keen to keep pursuing "silent diplomacy" as much as it could; indeed Jandrokovic considered maintaining this approach critical to the ultimate success of negotiations. He said GoC statements would avoid "triumphalism" and would always focus on the balanced nature of the agreement and the "win-win" result. But every day, he warned, the media would try to provoke disagreement, using one sides' comments to try and prod the other side into denials or intemperate comments.

[1](#)4. (C) Therefore, the Croatians hoped the process could move forward quickly. Jandrokovic said he had spoken with Swedish FM Bildt, and Bildt had replied that the Slovenes had indicated they did not want to move too fast. Jandrokovic

suggested scheduling an intergovernmental conference (IGC) for accession negotiations by the end of September. Bildt replied he would be traveling Sept. 19 to Oct. 1, but would look at holding in IGC soon thereafter. (NOTE: On Sept. 15, GoC officials informed post that an IGC would be scheduled for October 2. END NOTE.)

15. (C) Jandrokovic once again confirmed Croatia was ready to re-start negotiations on an Arbitration Agreement for the border on the same day as an IGC, and to use the June 15 draft from Rehn as the starting point. He said the challenge would be to find language regarding the arbitrators' consideration of Slovenia's "junction" with the High Sea that could be acceptable to both sides. Croatia would be able to accept any decision the Arbitral Tribunal might make. What Croatia could not accept, however, was an Arbitration Agreement that would virtually require the Tribunal to give Slovenia territorial contact with international waters. That decision needed to be left open for the arbitrators to decide. Given the improved atmosphere, he said he was confident an agreement was achievable. "We have a much better understanding of the Slovenes' fears," he said. "We both need an agreement that we can explain to our publics."

16. (C) Regarding the timing of the process, Jandrokovic said that it was in Croatia's interest to reach an Arbitration Agreement as soon as possible and "finish this story." He also claimed that both Croatia and Slovenia had already agreed that the actual decision of the Arbitral Tribunal on the border should only be announced after Croatia's EU accession process was complete and the Accession Treaty ratified.

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17. (C) The Ambassador noted that Washington was very pleased that Croatia and Slovenia had reached agreement on unblocking the EU talks and re-starting the process of negotiating an Arbitration Agreement. Both sides had done an excellent job maintaining "silent diplomacy", and we hoped this could continue as much as possible. When it came time to negotiate the Arbitration Agreement, the Ambassador emphasized that Croatia needed to find a way to accommodate explicit reference to junction or contact with the High Sea as a real possible outcome of the arbitration. At the same time, he noted that Croatia's need to ensure that such an outcome was not presupposed or foreordained would also have to be accommodated in the text.

SERBIA, KOSOVO AND THE ICJ

18. (C) Jandrokovic told the Ambassador that Croatia has already notified the ICJ Registry of its intent to offer an oral argument in the Serbia-Kosovo case in December. Croatia expected this to prompt a negative reaction from Belgrade, and Jandrokovic looked to the US to help explain to the Serbs why Croatia's step was not a hostile action. At the same time, Croatia would be looking for other avenues of cooperation with Serbia to try and "cool down" relations. Croatia had recently agreed with Hungary's proposal to host a trilateral (Croat, Serb, Hungarian) conference on economic development in Budapest this fall, and would look for similar opportunities to engage with Belgrade.

19. (C) Jandrokovic also noted the continuing difficulties regarding Kosovar participation in regional meetings and cooperation. He suggested that all the partners who support Kosovar participation should do a better job of coordinating their approach to such sessions, so that common positions could be reached on how to handle the Serbs and when to stay away from or downgrade attendance at events where Kosovo is not represented.

BOSNIA

¶10. (C) Jandrokovic observed that the situation in Bosnia was not good, and was not improving. Croatia needed a functioning state there, in part because of the requirements of the long border and the management of the port of Ploce. But "we can't even find anyone who is in charge of decisions there." Jandrokovic mentioned that he would soon be visiting Sarajevo to speak at a meeting with one hundred or so ethnic Croatian business people. His message to the Croatian community there would be consistent -- your capital is Sarajevo, and you need to fight for a functioning state in B-H that respects your national identity as well.

ICTY  
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¶11. (C) The Ambassador noted that, with the Slovene blockade being lifted, the issue of whether Croatia was fully cooperating with the ICTY would assume renewed urgency and importance. The U.S. understood Croatia's frustration that it had been unable to convince ICTY Prosecutor Brammertz that the outstanding documents requested had either never existed or been destroyed or purloined in the intervening years. The need, however, for Croatia to satisfy the ICTY's requirements was unavoidable. Jandrokovic replied that Brammertz would be coming to visit Croatia at the end of September. (NOTE: The visit is scheduled for Sept. 28. END NOTE.) "But it is impossible to persuade him," Jandrokovic complained. Croatia has asked Brammertz for proposals on further steps that Croatia should take to demonstrate its good will and prove that no documents are available, but had not been given specific ideas. Croatia would continue to engage with Brammertz, but felt that he was unlikely to bend. Therefore, the GoC was also seeking to get the ICTY bench to rule on whether or not Croatia's efforts to find the documents had been sufficient. The Ambassador reiterated that Croatia needed to think anew and think creatively such that by the end of the process all conceivable opinions and remedies had been exhausted.

COMMENT  
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¶12. (C) Throughout this introductory call, Jandrokovic repeatedly expressed appreciation for Croatia's relationship with the U.S., and showed an interest in hearing our advice on issues facing the country. (NOTE: On September 15, Jandrokovic's Ministry issued a press release explicitly stating that the June 15 draft of the Arbitration Agreement would be the starting point for further talks, thus helping

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Slovene PM Pahor's position in his domestic debates, even at the risk of negative reaction from within Croatia. END NOTE.) We will continue to stress to the Croatians that they should be able to accept a reference to the possibility of Slovenian maritime contact with international waters in an Arbitration Agreement, as long as the Agreement does not presuppose such an outcome. If that double message is understood and accepted in both Zagreb and Ljubljana, we believe conclusion of an Arbitration Agreement is definitely achievable. END COMMENT.  
FOLEY